

REMARKS/ARGUMENTS

Applicants earnestly request reconsideration of the most recent rejection against the currently pending claims contained in this application.

The single reference used against all the claims is the patent to Lorentzen Cornelius et al., US Patent No. 6068634 ("Lorentzen.") Claim 41 is rejected using Lorentzen under 35 USC 102 (e), or, in the alternative, using 35 USC 103 (a.) Claims 42-47 are rejected using Lorentzen under 35 USC 103 (a), in combination with other claims. Thus, it is clear that if the rejection to claim 41 under the Lorentzen reference is overcome, all of the claims are patentable. It is earnestly suggested that this is so, in particular with the amendment to claim 41 so that it incorporates former claim 44.

The examiner points to the "tip" 117 of Lorentzen, and says it is either flexible, inherently flexible, or obvious to make flexible. However, this could not further from the case. The tip 117 of Lorentzen is similar to the tips acknowledged by applicants to be in the prior art. That is, these tips on all types of catheters used for stenting are short in relation to the length of the balloon. They are also made to be relatively stiff, and not flexible. Such tips are generally stiff so that they tend to "force" through the stenosis. Thus, the Examiner's contention that there is flexibility, or even inherent flexibility in the tip of Lorentzen is entirely misplaced.

On the other hand, the gentle taper of the currently amended claim 41 is used so that it is able to "ease" through the stenosis. One reading Lorentzen would not perceive a problem to be solved, since the Lorentzen apparatus embodies the traditional "solution." Moreover, one reading Lorentzen would not perceive that there would be a need to combine this reference with Fischell '144, since that approach taken by both references is so entirely different. Thus, it is respectfully suggested that the Examiner is engaging in inappropriate hindsight to combine these references. In this light, amended claim 41 is earnestly suggested to meet the standards of

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patentability. Its allowance is requested, as is the allowance of dependent claims 42-43 and 45-47.

Respectfully submitted,

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